

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Wright

Serial No.: 09/766,934

Group No.: 3625

Filed: Jan. 22, 2001

Examiner: Y. Garg

For: MASS CUSTOMIZATION BILLING ENGINE

APPELLANTS' REPLY BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed October 17, 2007, Appellant hereby submits his Reply Brief.

This reply brief is being submitted to respond to new issues raised by the Examiner in the Examiner's Answer.

On page 10 of the Examiner's Answer, the Examiner states that all of the database files of Ensel et al. (Figure 5) are "object oriented and data is stored as objects, allowing customized generation of bills according to the biller or industry specific." (Examiner's Answer, page 10). This may be true in the sense that, according to Ensel et al., "The database files 205-230 can either be relational databases, object oriented databases or a combination of both types." (Ensel et al. 10:18-20). But just because the data are objects does not mean that "at least certain of [them] are capable of accessing an outside source, accessing one or more other objects, or creating one or more new software objects, each object being operative to acquire and process data specific to a biller or the recipient thereof," as set forth by Appellant. Nor is there any teaching or suggestion whatsoever in Ensel et al. that the software objects are "repetitively invoked" until all have completed data acquisition and processing required to generate a customized bill. Indeed, the mere fact that the database of Ensel et al. could be a relational database, negates the possibility of any "objects" being capable of performing the functions set forth by Appellant. Even if the data in the databases of Ensel et al. are data objects, they are still, nevertheless, data, and

that's it.

With regard to the rejection of claim 32, the Examiner now cites the *KSR* Supreme Court decision (Examiner's Answer, page 12). In quoting the *KSR* decision, the Examiner notes that the combination requires "no change in the respective functions" of the proposed combination. In this case, not only is there no teaching or suggestion in support of the proposed combination, it would change the function of Ensel et al., since the teachings of Ensel et al. are entirely silent with regard to those being brought in through Lakritz ('316 application). Accordingly, *prima facie* obviousness has now been established.

Based upon the foregoing, Appellant continues to assert that the instant claims are in condition for allowance, and solicits the Board's concurrence once again.

Respectfully submitted,

By: _____

Date: December 17, 2007

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